



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/219,418 12/23/98 FURUYA

M 7217/57369

EXAMINER

WM01/0305

JAY H MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

GESESSE, T

ART UNIT

PAPER NUMBER

2683

DATE MAILED:

03/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/219,418	Applicant(s) FURUYA, MAMI	
	Examiner Tilahun B Gesesse	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on ____ is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 15) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 19) <input type="checkbox"/> Other: _____ |

Art Unit: 2683

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-2,5 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sudo et al (US 6,138,039).

As per claims 1-2 and 13, Sudo et al disclose a screen operating method for a portable radio information terminal apparatus(fig.1#12) for executing information control of a multilayer structure having a plurality of layers including a top layer and at least one lower layer on which a plurality of messages terminated at said portable radio information terminal apparatus are placed, said portable radio information terminal apparatus executing a plurality of operations including screen displaying on each of said plurality of layers and including inputting means for executing a command inputting operation and an image display device for screen displaying placed, (the telephone book list is composed of , display section of call frequency in which sets of address numbers “1” to “9” and registered communicatee’s with high frequency of call are displayed, see col. 11 lines 6-37) and (see fig.21)

Sudo et al disclose executing repetitively, during a period of time in which a predetermined command input operation is executed, screen operation progressing including a

Art Unit: 2683

moving operation for moving from one of said plurality of layers to another of said plurality of layers and a screen displaying operation for displaying said another of said plurality of layers on said image display device (see col. 11 lines 38-65).

As per claims 5 and 14, Sudo et al disclose everything as explained above in claim 1, furthermore, Sudo et al disclose command inputting discriminating means for determining whether an input signal supplied from said inputting means is generated by a predetermined command inputting operation (the operation is controlled by the controller 47 --- this prevents an erroneous call if a key capable of initiating a call is inadvertently pressed when the portable telephone apparatus 31 is carried in a bag with a detailed display screen displayed, see col. 13 lines 1-13),

Sudo et al disclose movement control means for determining, based on a decision by said command inputting discriminating means, whether said the input signal is continuous, see col. 11 lines 38-57,

Sudo et al disclose layer-to-layer moving means for causing a layer-to-layer moving operation based on a command issued by said movement control means and for executing a screen displaying operation on a destination layer, see col. 15 lines 10-17,

Sudo et al disclose movement control means determines that said input signal is continuous, said layer-to-layer movement means to activated and when said movement control means determines that said input signal is stopped, said layer-to-layer means is stopped, (the jog dial 36J is operated upward and downward directions to move the cursor K upward and downward, respectively,---the clear key 36H can be used to return to the list screen, see col. 17

Art Unit: 2683

lines 46-65). It is considered that the upward and downward movement of cursor K continuous and the clear key 36H that returns the cursor to the list screen "stopped" control is taking place.

Sudo et al disclose the input signal is continuous, said layer-to-layer moving operation and said screen displaying operation on said destination layer are repeated, see col. 17 lines 8-20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo et al in view of Yamagishi et al (US 6178,338).

As per claims 3, 7, 9, Sudo et al disclose everything as explained above, except a standby screen displaying layer is operating on one of said plurality of layers. However, Yamagishi et al disclose the option list of case 1 is exemplary and may include other functions that are used after the user enters at least three digits in the standby mode, see col. 4 lines 65-68. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Sudo a standby mode is operating on one of said plurality of layers, as disclosed by Yamagishi, in order to hold operation of the portable radio receiver at the standby mode before executed the next operation takes place.

Art Unit: 2683

As per claim 8, Sudo et al disclose everything as explained above, in addition to the above disclosure, Sudo et al also disclose a microprocessor apparatus(controller 11 , RAM 16 and ROM 15, see fig.1) a central processor unit (11), (controller 11 controls various operations such as communication and display operations based on the supplied operation information see col. 4 lines 36-39), recording means for recording a procedure readable and executable by said central processing unit as a program (a ROM (read only memory) for storing an operation program for the controller, a RAM (random access memory) which is used for a working region when the program operation of the terminal control by the controller 11 is executed, see col.4 lines 40-45).

As per claims 10-12, Sudo et al disclose everything as explained above, in addition to above disclosure, Sudo et al also disclose if the continuation time exceeds a predetermined time said movement control means instructs said upper layer moving means to move said screen displaying to said top layer (see col. 12 lines 19-30)and if said continuation time is within said predetermined time , said movement control means instructs said upper layer moving means to move said screen displaying to said adjacent layer (see col.11 lines 19-36).

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

Art Unit: 2683

*(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached on (703) 308-5318. The fax phone number for this Group is (703) 308-6306 or (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Feb. 27, 2001

Tilahun Gesesse


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600